

June 13, 1968

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: Hale Champion, Development Administrator
SUBJECT: BOARD OF APPEAL REFERRALS

Re: Petitions Nos. Z-1140 & Z-1141
Joseph M. Kroll
11 & 13 Mansfield Street, Brighton

Petitioner seeks several variances to change occupancy from four families to eight families in a Residential (R-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 14-1	Minimum lot area is insufficient	2 acres	5750 Sq. ft.
Sect. 14-3	Lot width is insufficient	200 ft.	52 ft.
Sect. 14-4	Street frontage is insufficient	200 ft.	52 ft.
Sect. 17-1	Usable open space is insufficient	1000 sq.ft./du	454 sq.ft./du
Sect. 18-1	Front yard is insufficient	25 ft.	23 ft.

The property, a two-story duplex dwelling, is located between Lincoln Street and Coolidge Road. The petitioner would add two apartments to each floor. The higher density resulting from the additional dwelling units would have a detrimental affect on the adjacent properties. The proposal is inharmonious with the existing residential character of the neighborhood. Denial is recommended.

VOTED: That in connection with Petitions Nos. Z-1140 & Z-1141, brought by Joseph M. Kroll, 11 & 13 Mansfield Street, Brighton, for variances of insufficient lot area, lot width, street frontage, usable open space and front yard to change occupancy from four families to eight families in a Residential (R-.5) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The higher density resulting from additional dwelling units would have a detrimental affect on the adjacent properties and would be inharmonious with the existing residential character of the neighborhood.

Re: Petition No. Z-1143
J. E. Poor, Inc.
335 Massachusetts Avenue, Boston

Petitioner seeks a variance to change occupancy from retail store and offices to retail store and four apartments in a General Business (B-2) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 17-1 Usable open space is insufficient	150 sq.ft./du	51 sq.ft./du

The property, a three-story structure is located on Massachusetts Avenue between Huntington Avenue and St. Botolph Street. Petitioner would convert the second and third floor offices to four apartments, two on each floor. The Fenway Project staff reports that this property is scheduled for acquisition by the Boston Redevelopment Authority for development in accordance with the Fenway Urban Renewal Plan. Recommend denial.

VOTED: That in connection with Petition No. Z-1143, brought by J. E. Poor, Inc., 335 Massachusetts Avenue, Boston, for a variance of insufficient open space to change occupancy from retail store and offices to retail store and four apartments in a General Business (B-2) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The property is scheduled for acquisition by the Boston Redevelopment Authority in accordance with the Fenway Urban Renewal Plan.

Re: Petition No. Z-1144

405 Marlborough Street Trust

405 Marlborough Street, Boston

Petitioner seeks a forbidden use permit to change occupancy from ten apartments to twelve apartments and real estate office in an Apartment (H-5) district. The proposal would violate the code as follows:

Sect. 8-7 A real estate office is forbidden in an H-5 district.

The property, a six-story structure, is located near the intersection of Marlborough Street and Massachusetts Avenue. The Back Bay staff reports the proposed real estate office would be a further commercial encroachment into this residential area and would violate the objectives of the Back Bay Plan. Recommend denial.

VOTED: That in connection with Petition No. Z-1144, brought by 405 Marlborough Street Trust, 405 Marlborough Street, Boston, for a forbidden use permit to change occupancy from ten apartments to twelve apartments and real estate office in an Apartment (H-5) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The proposed real estate office would be an encroachment on the residential character of the area and would not conform with the objectives of the Back Bay Plan.

Re: Petitions Nos. Z-1145 & Z-1146

Daggett Realty Trust

499 & 503 Park Drive, Boston

Petitioner seeks two variances to change occupancy from three families to seven and eight families in an Apartment (H-2) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 15-1	Floor area ratio is excessive (#499)	2.0	2.8
Sect. 23-1	Off-street parking is insufficient (#499)	4 spaces	0
Sect. 23-1	Off-street parking is insufficient (#503)	3 spaces	0

The property, a three-story brick structure, is located at the intersection of Park Drive and Buswell Street at Audubon Circle. The proposed change of occupancy does not provide for any off-street parking. There is at present an acute shortage of parking facilities in the area. Intensification of this shortage would be incompatible with the intent and purpose of the zoning regulations. Recommend denial.

VOTED: That in connection with Petitions Nos. Z-1145 and Z-1146, brought by Daggett Realty Trust, 499 & 503 Park Drive, for variances of excessive floor area ratio and insufficient off-street parking to change occupancy from three families to seven and eight families in an Apartment (H-2) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The proposal does not provide any off-street parking and consequently would increase the present acute parking deficiency in the area.

Re: Petition No. Z-1148
Pauline Cain
80 Regent Street, Roxbury

Petitioner seeks a Forbidden Use Permit and two variances to change occupancy from a one-family dwelling to a one-family dwelling and beauty parlor in an Apartment (H-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A beauty parlor is forbidden within		
Sect. 11-1	an H-1 district		
Sect. 18-1	Front yard is insufficient	25 ft.	5 ft.
Sect. 23-4	Off-street parking is insufficient	2 spaces	0

The property, a 1½ story dwelling is located on Regent Street between Regent Square and Circuit Street. The petitioner proposes to operate a beauty parlor on the first floor of the residence. The property is directly opposite St. Joseph's Church and will be surrounded by the St. Joseph's Moderate Income Housing Development. The project staff indicates that the proposed commercial use will be detrimental to the residential character of the area and would not conform to the objectives of the Washington Park Urban Renewal Plan. Recommend denial.

VOTED: That in connection with Petition No. Z-1148, brought by Pauline Cain, 80 Regent Street, Roxbury, for a Forbidden Use Permit and variances of insufficient front yard and off-street parking to change occupancy from a one-family dwelling to one-family dwelling and beauty parlor in an Apartment (H-1) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The proposal would be detrimental to the residential character of the neighborhood and would not conform with the objectives of the Washington Park Urban Renewal Plan.

Re: Petitions Nos. Z-1149-Z-1152
 Manel Properties, Inc.
 Sevenel, Inc.
 10 & 14 Sanford Street &
 52-56 Vallard Road, Hyde Park

Petitioner seeks several variances to erect four one-family dwellings in a Single Family (S-.5) district. The proposal would violate the code as follows:

		Req'd.	Proposed
Sect. 14-1	Lot area is insufficient (10 Sanford)	6000 sq.ft.	4648 sq.ft.
Sect. 20-1	Rear yard is insufficient " "	40 ft.	13 ft.
Sect. 14-1	Lot area is insufficient (14 Sanford)	6000 sq.ft.	4960 sq.ft.
Sect. 14-3	Lot width is insufficient " "	60 ft.	50 ft.
Sect. 14-4	Street frontage is insufficient (14 Sanford)	60 ft.	50 ft.
Sect. 14-1	Lot area is insufficient (52 Vallard)	6000 sq.ft.	4960 sq.ft.
Sect. 14-3	Lot width is insufficient " "	60 ft.	50 ft.
Sect. 14-4	Street frontage insufficient "	60 ft.	50 ft.
Sect. 14-1	Lot area is insufficient (56 Vallard)	6000 sq.ft.	4684 sq.ft.
Sect. 20-1	Rear yard is insufficient " "	40 ft.	13 ft.

The property is located near the intersection of Sanford Street and Vallard Road in a recently developed area. The petitioner proposes to erect four single family dwellings. The violations occur as a result of the layout of the lots which front on two streets at an acute angle to each other. The proposed use is reasonable and would not adversely affect the neighborhood. Approval is recommended.

VOTED: That in connection with Petitions Nos. Z-1149 through Z-1152, brought by Manel Properties, Inc., and Sevenel, Inc., 10 & 14 Sanford Street, and 52 & 56 Vallard Road, Hyde Park, for variances of insufficient lot area, lot width, street frontage and rear yard to erect four one-family dwellings in a Single Family (S-.5) district, the Boston Redevelopment Authority has no objection to the granting of the variances. The proposal is a reasonable use of land and would not adversely affect the neighborhood.

Re: Petition No. Z-1153
Elizabeth Motsis
152 Hillside Street, Roxbury

Petitioner seeks a variance to change occupancy from three families and store to four families in an Apartment (H-1) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 17-1 Usable open space is insufficient	400 sq.ft./du	242 sq.ft./du

The property, a three-story frame structure, is located at the intersection of Hillside Street and Wait Street. The conversion would eliminate a non-conforming use and would be consistent with the residential character of the neighborhood. Recommend approval.

VOTED: That in connection with Petition No. Z-1153, brought by Elizabeth Motsis, 152 Hillside Street, Roxbury, for a variance of insufficient usable open space to change occupancy from three families and store to four families in an Apartment (H-1) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The proposal would eliminate a non-conforming use and would be consistent with the residential character of the neighborhood.

Re: Petitions Nos. Z-1154 & Z-1155
 Anna J. Gately
 44-48 Garnet Road, West Roxbury

Petitioner seeks several variances to subdivide lot and erect a one-family dwelling in a Single Family (S-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 14-1	minimum lot area is insufficient (#44)	6000 sq.ft.	5000 sq.ft.
Sect. 14-3	lot width is insufficient (#44)	60 ft.	50 ft.
Sect. 14-4	Street frontage is insufficient (#44)	60 ft.	50 ft.
Sect. 18-1	Front yard is insufficient "	25 ft.	20 ft.
Sect. 14-1	Minimum lot area is insufficient (#48)	6000 sq.ft.	5000 sq.ft.
Sect. 14-2	Lot area for additional dwelling unit is insufficient (#48)	4000 sq.ft./du	0
Sect. 14-3	Lot width is insufficient (#48)	60 ft.	50 ft.
Sect. 14-4	Street frontage is insufficient (#48)	60 ft.	50 ft.

The property, a two-family dwelling and one-story frame garage is located on the southerly side of Garnet Road between Weld Street and Farmington Road. The petitioner would subdivide the existing lot into two 5000 square feet lots and erect a one-story and basement single family dwelling. The proposal would be consistent with the existing average lot size and front yard depths in the block and would not have an adverse affect on the immediate neighborhood. Approval is recommended.

VOTED: That in connection with Petition Nos. Z-1154 & Z-1155, brought by Anna J. Gately, 44-48 Garnet Road, West Roxbury, for variances of insufficient lot area, lot width, street frontage, front yard and lot area for additional dwelling unit to subdivide lot and erect a one--family dwelling in a Single Family (S-.5) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The proposal would be consistent with the existing lots in this block and would not have an adverse affect on the immediate neighborhood.

Re: Petition No. Z-1156
 Warren Hall Trust
 329-343 Washington Street, Brighton

Petitioner seeks three variances to change occupancy from twelve apartments, three restaurants, one office and two stores, to 41 apartments, three restaurants, one office and two stores in a General Business (B-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 14-2	Lot area for additional dwelling unit is insufficient	1500 sq.ft./du	0
Sect. 17-1	Usable open space not provided	800 sq.ft./du	0
Sect. 23-1	Off-street parking not provided	26 spaces	0

The property, a four-story brick structure, is located on Washington Street between Waldo Terrace and Market Street. The petitioner would convert the three upper floors into 41 studio and one-bedroom apartments. No open space is provided. The property is within a district shopping center and the existing parking shortage in the area would be further intensified by the lack of provision of off-street parking facilities. Recommend denial.

VOTED: That in connection with Petition No. Z-1156, brought by Warren Hall Trust, 324-343 Washington Street, Brighton, for variances of insufficient lot area for additional dwelling unit, usable open space and off-street parking not provided, to change occupancy from twelve apartments, three restaurants, one office and two stores to 41 apartments, three restaurants, one office and two stores in a General Business (B-1) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The property is within a district shopping center and the existing parking shortage in the area would be further intensified by the lack of provision of parking facilities.

Re: Petition No. Z-1157
Ellenbru Realty Trust of Boston
1792-1796 Dorchester Ave., Dorchester

Petitioner seeks a change in a non-conforming use and a variance of insufficient off-street parking to change occupancy from machine shop, metal stamping and die making to retail sales of resilient flooring, carpet and wall tiling and accessory storage in a Residential (R-.5) and Local Business (L-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 9-2	A change in a non-conforming use requires a Board of Appeal hearing		
Sect. 23-4	Off-street parking is insufficient	34 spaces	0

The property, a one-story brick building, is located at the intersection of Dorchester Avenue and Shepton Street. The building is presently occupied by the American Stamping Company, which has expanded and is moving elsewhere. The prospective purchaser would enlarge his retail carpeting business at this location. The staff feels that continuance of a non-conforming use is improper at this location and that the lack of off-street parking would be detrimental to the adjacent residential neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-1157, brought by Ellenbru Realty Trust of Boston, 1792-1796 Dorchester Avenue, Dorchester, for a change in a non-conforming use and a variance of insufficient off-street parking to change occupancy from machine shop, metal stamping and die making to retail sales of resilient flooring, carpeting and wall tiling and accessory storage in a Residential (R-.5) and Local Business (L-1) districts, the Boston Redevelopment Authority is opposed to the granting of the petition. Continuance of a non-conforming use is improper at this location and the lack of off-street parking would be detrimental to the adjacent residential neighborhood.

Re: Petition No. Z-1158
Myrtle E. Bourden
36 Montfern Avenue, Brighton

The petitioner seeks two variances to legalize occupancy as a three-family dwelling in a General Residence (R-.8) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 14-2 Lot area for additional dwelling unit is insufficient	1500 sq.ft./du	0
Sect. 17-1 Usable open space insufficient	800 sq.ft./du	387 Sq.ft./du

The property, a 2½ story frame structure is located on Montfern Avenue between Washington and Faneuil Streets. The petitioner purchased the property as a three-family dwelling several years ago and it has remained as such to the present time. The occupancy conforms with the general character of the neighborhood. Recommend approval.

VOTED: That in connection with Petition No. Z-1158, brought by Myrtle E. Bourden, 36 Montfern Avenue, Brighton, for variances of insufficient lot area for additional dwelling unit and usable open space to legalize occupancy as a three-family dwelling in a General Residence (R-.8) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The proposal would have no adverse affect on the immediate neighborhood and would conform with the general character of the area.

Re: Petition No. Z-1159
Mildred Shuffain & Sophie Linkin
3191-3201 Washington St., Jamaica Plain

Petitioner seeks a Conditional Use Permit and a variance of insufficient front yard to erect a one-story addition and change of occupancy from retail stores to retail stores and a four-car business garage in a Local Business (L-1) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7 A garage is a Conditional Use within an L-1 zone		
Sect. 18-1 Front yard is insufficient	10 ft.	0

The property, a one-story vacant and boarded commercial structure, is located at the intersection of Washington Street and Montebello Road. The petitioner would completely rehabilitate the building for the retail sale of auto glass and related glass products and for a wholesale TV supply outlet. A one-story four-car garage would be erected adjacent to the building for vehicles connected with these businesses. The proposal would restore an abandoned structure and upgrade the area. Approval is recommended.

VOTED: That in connection with Petition No. Z-1159, brought by Mildred Shuffain & Sophie Linkin, 3191-3201 Washington Street, Jamaica Plain, for a Conditional Use Permit and a variance of insufficient front yard to erect a one-story addition and change occupancy from retail stores to retail stores and a four-car business garage in a Local Business (L-1) district, the Boston Redevelopment Authority has no objection to the granting of the petition. The proposal would restore an abandoned structure and upgrade the area.

Re: Petition No. Z-1160
Antonio & Catherine Teth
12 Helen Street, Dorchester

Petitioner seeks a Conditional Use Permit and variance of insufficient front yard to erect a one-story addition and change occupancy from a two-car private garage to a three car private garage in an Apartment (H-1) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7 A parking garage is a Conditional Use in an H-1 district		
Sect. 18-1 Front yard is insufficient	25 ft.	10 ft.

The property is located at the intersection of Helen Street and Talbot Avenue, opposite Franklin Field. The petitioner would add a third bay to the existing two-car facility. The property is being used for the washing of cars. The staff recommends approval only if the garages are used solely for the storage of private vehicles and not for commercial activity.

VOTED: That in connection with Petition No. Z-1160, brought by Antonio and Catherine Teta, 12 Helen Street, Dorchester, for a Conditional Use Permit and a variance of insufficient front yard to erect a one-story addition and change occupancy from a two-car private garage to a three-car private garage in an Apartment (H-1) district, the Boston Redevelopment Authority has no objection to the granting of the petition, provided that the garages are used solely for the storage of private vehicles and not for commercial activity.

Re: Petition No. Z-1161
Beachway Apartments, Inc.
761 East Sixth Street, South Boston

Petitioner seeks eight variances to erect a four-story and basement 60-unit apartment building in an Apartment (H-1) district and Local Business (L-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 10-1	Parking is not allowed in front yard nor within five feet of side lot line		
Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sq.ft./du	0
Sect. 15-1	F.A.R. is excessive	1.0	1.7
Sect. 17-1	Usable open space is insufficient	400 sq.ft./du	45 sq.ft./du
Sect. 19-4	Side yard is insufficient	13 ft.	10 ft.
Sect. 21-1	Setback of parapet is insufficient		
Sect. 23-1	Off-street parking is insufficient	54 spaces	51 spaces

The site, formerly MBTA property, is located on East Sixth Street between East Sixth and East Seventh Streets. The violations indicate that the proposed structure would excessively utilize the lot and create an undesirable density which would be incompatible with the general residential character of the area. In addition, the parking arrangement, vehicular access and maneuverability are inadequate due to the overdevelopment of the lot. Recommend denial.

VOTED: That in connection with Petition No. Z-1161, brought by Beachway Apartments, Inc., 761 East Sixth Street, South Boston, for variances of parking not allowed in front yard nor within five feet of side lot line, insufficient lot area for additional dwelling unit, usable open space, side yard, parapet setback, off-street parking and excessive floor area ratio to erect a four-story and basement 60-unit apartment building in an Apartment (H-1) and Local Business (L-1) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The proposal would overdevelop the lot and create an undesirable density which would be incompatible with the general residential character of the area. Inadequate space is provided for vehicular

Re: Petition No. Z-1162
J. Warren Sullivan
35 Henshaw Street, Brighton

Petitioner seeks an extension of a non-conforming use and five variances to erect a one-story and basement addition to a one-family dwelling and funeral home in a Residential (R-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 9-1	The extension of a non-conforming use in an R-.5 district requires a Board of Appeal hearing.		
Sect. 14-2	Lot area for additional dwelling unit is insufficient	3000 sq.ft./du	1300 sq.ft./du
Sect. 15-1	F.A.R. is excessive	0.5	1.3
Sect. 18-1	Front yard is insufficient	25 ft.	3 ft.
Sect. 19-1	Side yards are insufficient	10 ft.	3 ft. left-6 ft. rt
Sect. 23-4	Off-street parking not provided	7 spaces	0

The property is located on Henshaw Street, a short distance from the intersection of Washington and Cambridge Streets. The petitioner would erect the one-story addition at the front of the existing three-story structure and use the extension for funeral purposes. The proposal would increase the existing traffic and parking problems in the immediate area and would tend to blight the adjacent residential neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-1162, brought by J. Warren Sullivan, 35 Henshaw St., Brighton, for an extension of a non-conforming use and variances of insufficient lot area for additional dwelling unit, front yard, side yards, excessive floor area ratio and off-street parking not provided, to erect a one-story and basement addition to a Funeral Home in a Residential (R-.5) district, the Boston Redevelopment Authority is opposed to the granting of the petition. The lack of off-street parking would increase the existing traffic and parking problems in this area and would be detrimental to the adjacent residential neighborhood.